PETITION FOR TERMINATION OF GUARDIANSHIP/CONSERVATORSHIP AND RESTORATION OF RIGHTS

INSTRUCTIONS

I. Specific Instructions

- 1. This form is to be used for filing a petition for termination of guardianship/conservatorship pursuant to O.C.G.A. §§ 29-4-42; 29-5-72.
- 2. The burden of proof is on the petitioner to show by a preponderance of the evidence that there is no longer a need for a guardianship/conservatorship.
- 3. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it may be served according to law. All pages after the notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.
- 4. [Note to Court Staff:] In any case in which the ward's rights are restored, when the former ward owns real property, a certificate of restoration of rights will be completed by the clerk of the probate court and filed with the clerk of the superior court of each county of this State in which the former ward owns real property within 30 days of the date of such order.
- 5. [Note to Court Staff:] The certificate to the Georgia Bureau of Investigation (GBI) page shall be used in all cases where a guardianship and/or conservatorship is/are established. Individuals so listed in this database will be prohibited from obtaining a Georgia weapons carry license. In the event the ward's rights are restored, such restoration of rights **shall** be sent to the GBI, so the database can be updated. Only the certificate needs to be sent to the GBI and not the guardianship order.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court or at www.gaprobate.gov, labeled GPCSF 1.

IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF **ESTATE NO.** _____ **WARD** PETITION FOR TERMINATION OF GUARDIANSHIP/CONSERVATOR AND **RESTORATION OF RIGHTS** [Unless there are two or more petitioners, the affidavit beginning on page 5 must be completed by a physician, psychologist, or licensed clinical social worker based upon an examination within 15 days prior to the filing of this petition.] 1. The petition of ____ [Full name of petitioner] First Last (who is the ward), (whose relationship to the above-named ward is _____ whose domicile is _ City County Zip Code State and mailing address is _____ Street City County State Zip Code **AND** [Initial either (a) or (b) below] The petition of _____ ____ (a) [Full name of petitioner] First Middle Last (who is the ward), (whose relationship to the above-named ward is___ whose domicile is __ County State Zip Code and mailing address is _____ Street City Zip Code County State OR

GPCSF 65 [1] Eff. July 2021

petition, and shows to the Court the following

attached as pages 5-6 and made a part of this petition is the completed affidavit of, a physician, psychologist, or licensed clinical social worker licensed to practice in Georgia, who has examined the ward within 15 days prior to the filing of this

2.

The ward						
	[Full name of we	ard]	First		Middle	Last
whose age is	, date of	birth is			_, Social S	Security number is
		_, domicile	is			
			Street	City	County	State Zip Code
and is presently lo	ocated at					·
		Street	City	County	State	Zip Code
which is a						
[Туре	of facility, if app	licable]				
and can be contac	eted at telephor	ne number:				··································
			3.			
The ward	is no longer in	need of a	guardian and/or	conservator	r because	:
				· · · · · · · · · · · · · · · · · · ·	·	

4.

[Please provide the name or specify "N	I/A"]
The current guardian(s) is/are	and
the current conservator(s) is/are	·
	5.
Additional data: [Where full paramission.]	rticulars are lacking, state here the reasons for any such
as required by law;that upon receipt of the evalua	nsel and an evaluator for the ward and order an evaluation tion report, the Court order a hearing to determine the ad/or conservator for the ward; and
Signature of First Petitioner	Signature of Second Petitioner, if any
Printed Name	Printed Name
Mailing Address	Mailing Address
Telephone Number	Telephone Number
Signature of Attorney:	
Address:	
Telephone Number:	State Bar #

VERIFICATION

GEORGIA,COUNT	Y
*	ersigned petitioner(s) who, after being duly sworn egoing petition for termination of guardianship the attached exhibit(s)) are true and correct.
Sworn to and subscribed before me this day of, 20	Signature of First Petitioner
NOTARY/CLERK OF PROBATE COURT My Commission Expires:	
Sworn to and subscribed before me this day of, 20	Signature of Second Petitioner
NOTARY/CLERK OF PROBATE COURT My Commission Expires:	Printed Name of Second Petitioner

IN THE PROBATE COURT OF ________COUNTY STATE OF GEORGIA IN RE: ESTATE OF _______, ESTATE NO. _______ WARD _______, ESTATE NO. _______ AFFIDAVIT OF PHYSICIAN, PSYCHOLOGIST, OR LICENSED CLINICAL SOCIAL WORKER I, being first duly sworn, depose and say that I am a physician licensed to practice under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, a psychologist licensed to practice under Chapter 39 of Title 43 of the Official Code of Georgia Annotated, or a licensed clinical social worker; that my office address is _______, Georgia, and that I have examined the above-named ward on the ______ day of _______, 20 ______. [The examination on which this affidavit is based must occur WITHIN 15 DAYS prior to the filing of the petition.] I found him/her to: [Initial all that apply]

____(a) [for restoration regarding guardianship:] now have sufficient capacity to make or

his/her property.

his/her property.

__ (c)

communicate significant responsible decisions concerning his/her health or safety.

[for restoration regarding conservatorship:] now have sufficient capacity to make or communicate significant responsible decisions concerning the management of

[for retention of guardianship:] still lack sufficient capacity to make or

communicate significant responsible decisions concerning his/her health or safety.

[for retention of conservatorship:] still lack sufficient capacity to make or communicate significant responsible decisions concerning the management of

GPCSF 65 [5] Eff. July 2021

The following facts support my opinion:		
WITNESS MY HAND AND SEAL this	day of	, 20
Sworn to and subscribed before me this, 20		
, 20	Signature of (Physician)(Ps	ychologist)(Social Worker)
	Printed Name:	
NOTARY/CLERK OF PROBATE COURT		
My Commission Expires:	-	
[The examination on which this affidavit is	s based must occur WITH	IN 15 DAYS prior to the

[The examination on which this affidavit is based must occur WITHIN 15 DAYS prior to the filing of the petition.]

IN THE PROBATE COURT OF ____COUNTY STATE OF GEORGIA IN RE: ESTATE OF **ESTATE NO.** _____ **WARD** ACKNOWLEDGMENT OF SERVICE The undersigned, being 18 years of age or older, laboring under no legal disability and being an interested person identified in paragraph 4, hereby acknowledges service of a copy of petition for termination of guardianship/conservatorship and restoration of rights, waives further service and notice. Sworn to and subscribed before me this _____ day of ______, 20_____ Signature NOTARY/CLERK OF PROBATE COURT Printed Name My Commission Expires: _____ Sworn to and subscribed before me this _____, day of ______, 20_____ Signature NOTARY/CLERK OF PROBATE COURT Printed Name My Commission Expires: Sworn to and subscribed before me this _____ day of ______, 20_____ Signature

Printed Name

NOTARY/CLERK OF PROBATE COURT

My Commission Expires:

NOTICE

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT.

SEE UNIFORM PROBATE COURT RULE 5.6 (A).

IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF WARD ORDER FOR SERVICE AND EVALUATION A petition for termination of guardianship/conservatorship/restoration of rights having been read and considered, and it appearing that there is sufficient evidence to believe that the ward may no longer be in need of a guardian and/or conservator within the meaning of O.C.G.A. § 29-4-1 and/or § 29-5-1, IT IS HEREBY ORDERED that _____ (physician)(psychologist)(licensed clinical social worker), is appointed to evaluate the abovenamed ward at ____:____.m., on _______ 20____ at [Location] IT IS FURTHER ORDERED that the above-named ward shall submit to an evaluation at the time and place stated above; IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the ward; IT IS FURTHER ORDERED that a clerk shall immediately notify the ward, the conservator (if any), the guardian (if any), and the ward's legal counsel of these proceedings by having all pleadings, as well as this order and a notice of petition to restore an individual formerly found to be in need of a guardian and/or conservator pursuant to O.C.G.A § 29-4-42 and/or § 29-5-72. SO ORDERED this day of , 20 .

GPCSF 65 [9] Eff. July 2021

Judge of the Probate Court

Failure to present yourself for evaluation at the time and place above will authorize the Court to order you transported directly to and from a medical facility or the office of the physician, psychologist, or licensed clinical social worker for the court-ordered evaluation.

at : .m., on 20 , which is not sooner than the fifth day

[Location]

YOU ARE FURTHER NOTIFIED:

after the service of notice on you.

1. YOU MUST ATTEND THE EVALUATION.

to an evaluation by being present at:_____

- 2. YOU DO NOT HAVE TO RESPOND TO QUESTIONS DURING THE EVALUATION.
- 3. YOUR ATTORNEY HAS A RIGHT TO ATTEND THE EVALUATION WITH YOU, BUT YOUR ATTORNEY MAY NOT PARTICIPATE.
- 4. YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.
- 5. IF A GUARDIAN IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PERSON.

6. IF A CONSERVATOR IS	APPOINTED FOR YOU,	, YOU MAY LOSE
IMPORTANT RIGHTS TO CONTROL AN	D MANAGE YOUR PROPE	RTY.
WITNESS MY HAND AND SEAL this	day of	, 20
	·	
	Clerk of the Probate Cour	t
	Drintad Nama	
	Printed Name	

IN THE PROBATE COUR	T OF	COUNTY
STA	ATE OF GEORGI	A
IN RE: ESTATE OF)	
)	ESTATE NO
WARD		
CERTIFICATE OF MAILING	OF ORDER AND	NOTICE OF PROCEEDINGS
This is to certify that I have this (if any); and attorney with a copy of the of ward by placing a copy of same in at U.S. Mail, First-Class, with adequate po	petition, order, and n envelope address	
This day of	, 20	
	Clerk of the	ne Probate Court
	Address	
	Telephone	Number
CERTIFICATE OF MA	AILING OF ORD	ER FOR DISMISSAL
This is to certify that I have this order for dismissal by placing a copy of same in the U.S. Mail, First-Class, with the order for dismissal in the same mann	same in an envelop adequate postage	thereon. I have also served a copy of
This day of	, 20	
	Clerk of th	ne Probate Court
	Address	
	Telenhone	Number

^{*} Not necessary if dismissal is after evaluation.

IN THE PROBATE COURT OF _______ COUNTY STATE OF GEORGIA IN RE: ESTATE OF ______, ESTATE NO. ______ WARD ______, ESTATE NO. ______ RETURN OF SHERIFF I have this day served _______ personally with a copy of the within petition, order, and notice. This ______ day of _______, 20____. Deputy Sheriff County, Georgia

IN THE PROBATE COURT OF _____ ____COUNTY STATE OF GEORGIA IN RE: ESTATE OF ESTATE NO. _____ WARD APPOINTMENT OF ATTORNEY It appears that the ward has not notified the Court of his or her retention of counsel; therefore, the attorney named below is hereby appointed as counsel for the ward: Printed Name of Attorney: _____ Address: Telephone Number: The clerk shall serve the appointed attorney with a copy of the petition and any amendments, any objections, and all other orders pertaining to this case via First-Class Mail. Judge of the Probate Court I certify that I have on this date mailed (unless otherwise noted) in an envelope with proper postage affixed thereto for First-Class delivery a copy of this order to the parties at the address listed in the petition, and a copy of all the pleadings to the attorney as ordered. Clerk of the Probate Court Address

Telephone Number

The evaluation continued for _____ (minutes)(hours). I explained the purpose of the evaluation to the ward. The following questions and tests were utilized in the evaluation: Below is a list of all persons and other sources of information consulted in evaluating the ward: The following is a description of the ward's mental and physical state and condition, including all observed facts considered by me: The following is a description of the overall social condition of the ward, including support, care, education, and well-being, and the functional capabilities of the ward, if determined by the evaluator:

The fo	ollowing are my findings as to the needs of the ward and their foreseeable duration:
[Initial all the	at apply]
(a)	I find that the ward continues to be incapacitated by reason of:
	to the extent that said ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health and safety.
(b)	I find that the ward continues to be incapacitated by reason of:
	to the extent that said ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.
(c)	I find that the ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety.
(d)	I find that the ward now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.
	Physician licensed under Chapter 34 of Title 43 of the
	Official Code of Georgia Annotated/ Psychologist licensed under Chapter 39 of Title 43 of the Official Code of Georgia Annotated/ Licensed Clinical Social Worker
	subscribed before me this, 20
	LERK OF PROBATE COURT sion Expires:
[This report in examination.	must be filed with the Probate Court no later than seven days after the date of

IN THE PROBATE COURT OF	1	COUNTY
STATE	OF GEOR	RGIA
IN RE: ESTATE OF)	
,)	ESTATE NO.
WARD)	
ORDER F	OR DISM	ISSAL
The petition for termination of guard been read and considered pursuant to O.C.G.	-	nservatorship/restoration of rights having 42 and/or O.C.G.A. § 29-5-72, and:
[Initial one]:		
evaluation, it appears that the	re is not pr n or conser	petition and prior to the court-ordered robable cause to believe that the ward no rvator within the meaning of O.C.G.A. § ore, it is
ORDERED that the petition is	dismissed.	
IT IS FURTHER ORDERED that a cobe served on the ward by First-Class Mail, an upon the petitioner(s) or his/her/their attorney	d a copy of	petition, the affidavit, if any, and this order of this order be served in the same manner
the court-ordered evaluation re is not probable cause to suppo	eport filed vort a finding the rithin the	tion and after review and consideration of with this Court, this Court finds that there ag that the ward no longer is in need of a meaning of O.C.G.A. § 29-4-1 and/or
ORDERED that the petition is	dismissed.	
IT IS FURTHER ORDERED that a report be served on the ward, his attorney, his her/her/their attorney, if any, by First-Class M	guardian a	is order and the court-ordered evaluation ad litem, if any, and to the petitioner(s) or
SO ORDERED this day of		, 20
	Judge o	of the Probate Court
WARD ORDER Formula to Order for termination of guard been read and considered pursuant to O.C.G.A. [Initial one]:	de in the re is not proposed a copy of the port filed wort a finding within the re is dismissed. copy of the port a finding within the re is not proposed a copy of the port a finding within the re is dismissed. copy of this guardian a fail.	nservatorship/restoration of rights having 12 and/or O.C.G.A. § 29-5-72, and: petition and prior to the court-ordered robable cause to believe that the ward norvator within the meaning of O.C.G.A. Sore, it is betition, the affidavit, if any, and this order of this order be served in the same manner tion and after review and consideration of with this Court, this Court finds that there age that the ward no longer is in need of meaning of O.C.G.A. § 29-4-1 and/ordered evaluation and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem, if any, and to the petitioner(s) or and litem.

IN THE PROBATE COURT OF _____ COUNTY STATE OF GEORGIA IN RE: ESTATE OF **WARD** ORDER AND NOTICE OF HEARING After review and consideration of the petition and the court-ordered evaluation report filed with this Court, the Court finds that there is probable cause to support a finding that the ward no longer is in need of a guardian and/or conservator within the meaning of O.C.G.A. § 29-4-1 and/or O.C.G.A. § 29-5-1. THEREFORE, it is ORDERED and adjudged that: A hearing shall be set for _____ : ____ .m. on _____ 1. 20_____, which is not less than ten days from the date that this notice is mailed, to determine the need for the restoration of the ward's rights, to be held (in the Probate Court of ______ County, courtroom ______, (address) ______ Georgia)(at the following location: ______). The ward shall be represented by _______, attorney, at such hearing. A copy of this order and a copy of the evaluation report shall be sent to the ward, 2. his/her attorney and guardian ad litem, if any, and to the petitioner(s) and his/her/their attorney, if any as well as to the Court appointed guardian, if any, and the Court appointed conservator, if any. These copies shall be sent by a clerk, First-Class Mail, as soon as practicable after the signing of this order. SO ORDERED this ______, 20 .

GPCSF 65 [18] Eff. July 2021

Judge of the Probate Court

IN THE PROBATE COURT OF _____ ____COUNTY **STATE OF GEORGIA** IN RE: ESTATE OF **WARD** STIPULATION AND WAIVER BY WARD'S ATTORNEY The undersigned, as the attorney representing the above-named Ward in these proceedings, [Initial all that apply] ___ (a) does hereby stipulate into evidence the affidavit prepared by [name of affiant evaluator] _______, being the evaluation report ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said petition. does hereby stipulate into evidence the affidavit(s) prepared by [name of affiant ____(b) evaluator] ______, which is the affidavit referred to in paragraph 1 (b) of the petition, and hereby waives the appearance of such affiant at any hearing concerning the said petition. ____(c) does further waive the appearance of my client, the ward, at said hearing. This ______, 20_____.

	Attorney		
Printed Name of Attorney:			
Address:			
Telephone Number:		State Bar #	

IN THE PROBATE COURT OF STATE OF GEORG	COUNTY
IN RE: ESTATE OF	ESTATE NO
WARD '	
FINAL ORDER	
A hearing was held on the petition for termination restoration of rights on the pleadings, the evaluation report and the evidence take following:	, 20, and after considering
FINDINGS OF FAC	CT
1.	
All procedural requirements of O.C.G.A. § 29-4 O.C.G.A. § 29-5-11 and O.C.G.A. § 29-5-72 have been median.	
The above-named ward is no longer in need of a gu	uardian and/or conservator because:

The ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

CONCLUSIONS OF LAW

The Court finds, by preponderance of the evidence, that the above-named ward (hereinafter referred to as "former ward") is no longer in need of a guardian or conservator because the ward now has sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

THEREFORE IT IS ORDERED that i
hereby restored to full capacity and the guardianship/conservatorship of said former ward is hereby terminated.
IT IS FURTHER ORDERED that before any guardian and/or conservator is released from his/her trust, he/she must file a petition for discharge and final return if appropriate, with an acknowledgment as executed by the former ward and that petition for discharge and final return if appropriate, must be approved by the Court.
IT IS FURTHER ORDERED that a clerk of this Court shall record the restoration upon all records of this Court, including the previously issued letters of guardianship/conservatorship.
IT IS FURTHER ORDERED that the clerk of this Court shall, within 30 days of this order submit a certificate to the clerk of the superior court of each county of this state in which the restored ward owns real property, if any, notifying the clerk to record in the deed records that the ward has been restored to capacity.
IT IS FURTHER ORDERED that a copy of this order shall be served by First-Class Mai on the former ward, the former ward's attorney; the guardian ad litem, if any; the guardian(s and/or conservator(s); the petitioner(s); and his/her/their attorney(s).
SO ORDERED this day of, 20
Judge of the Probate Court/Hearing Officer exercising the jurisdiction of the Probate Court pursuant

to O.C.G.A. § 29-4-12 (d) (7) and/or § 29-5-12 (d) (7)

IN THE PROBATE COURT OF _____ COUNTY STATE OF GEORGIA IN RE: ESTATE OF **ESTATE NO.** ____ WARD CERTIFICATE OF MAILING OF FINAL ORDER I have this date mailed (or handed) a copy of the above order to the former ward, his/her attorney, (his/her guardian ad litem,)(his/her representatives), the guardian(s), the conservator(s), the petitioner(s), and (petitioner's attorney). Date Clerk of the Probate Court Address Telephone Number CERTIFICATE OF FILING CERTIFICATE OF RESTORATION **OF RIGHTS** I have this date hand-delivered and/or mailed for filing a certificate of restoration of rights to the clerk of the superior court of each of the following counties, together with payment of any recording costs to the following: Date Clerk of the Probate Court Address

Telephone Number

Probate Cour	t Return Mailing Addre	ss:
		_
[2	Above space to be used for f	ling in superior court clerk's office of deeds and records]
IN		URT OF COUNTY TATE OF GEORGIA
IN RE: EST))
WARD		,) ESTATE NO
		E OF RESTORATION OF RIGHTS ant to O.C.G.A. § 29-5-13 (d))
DATE ORDE	ER ISSUED:	CROSS REFERENCE: DEED BOOK: PAGE NO.:
GRANTOR:	(NAME OF CONSEI	VATOR(S) OF FORMER WARD)
GRANTEE:	(NAME OF FORME	2 WARD)
	ghts of the above forme named former ward is	ward being restored, the conservatorship previously created ow DISSOLVED.
_	nal certificate delivered	or mailed to Clerk of Superior Court of
		I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: _____ Clerk of the Probate Court

CERTIFICATE OF GUARDIANSHIP/CONSERVATORSHIP TERMINATED

Make Electronic So	ubmissions via th	e Georgia Criminal Ju	stice Inforn	nation Sy	stem (CJIS) Network
		-OR-			
Georgia Crime Info	Georgia Crime Information Center Attention: CJIS Operations Unit 3121 Panthersville Rd. Decatur, Georgia 30034				
*DATE OF ORDER (mm/dd/yyyy)		*JUDGE'S NAME			
*PROBATE COURT COUNTY/ORI NUMBER			*ESTATE NUMBER		
	IP/CONSERVATOR	BEEN ADJUDICATED TO SHIP HAS BEEN ESTABLI: RMINATES SUCH APPOI	SHED. THE C		
*NAME (Last, First, I	Middle)				
*SEX	*RACE	*DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER (###-##-####)		
CURRENT ADDRES	S (Street Address)		<u> </u>		
CITY			STA	TE	ZIP CODE
SIGNATURE (Court		DATE SIGNED			
		*Court Official's Ti	itle		

^{*}Mandatory Field

IN THE PROBATE COURT OF	COUNTY
STATE O	F GEORGIA
IN RE:)) ESTATE NO
WARD)
GUARDIANSHIP/CONSERY I hereby certify that the above-stated in date mailed this certificate of guardianship/con	NG OF CERTIFICATE OF VATORSHIP TERMINATED Information is true and correct and that I have this asservatorship terminated to the Georgia Bureau of evelope addressed as set forth above and depositing the postage thereon.
This day of	, 20
Clerk of the	he Probate Court